



CrI.O.P.(MD) No.11962 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.O.P.(MD) No.11962 of 2022

M.Karthik,

: Petitioner

Vs

1. The Superintendent of Police,
Madruai, Madurai District

2. The Sub Inspector of Police,
Kadupatti Police Station,
Madruai.
Crime No.43/2022.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the first respondent to transfer the investigation in Crime No.43/2022 on the file of the second respondent to any other competent officers, based on the petitioner's representation, dated 25.04.2022.

For Petitioner : M/s.Vellaichamy S,
For Respondents : Mr.R.Suresh Kumar,
Government Advocate (CrI.Side)



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ORDER

WEB COPY This criminal original petition has been filed seeking a direction to the first respondent to transfer the investigation in Crime No.43/2022 on the file of the second respondent to any other competent officers, based on the petitioner's representation, dated 25.04.2022.

2.The learned Counsel appearing for the petitioner submitted that the petitioner lodged a complaint against the accused person alleging that the accused persons assaulted the petitioner and caused grievous injury. Based on that complaint, an FIR has been registered in Crime No.43 of 2022 for the offences under Sections 147, 294(b), 323, 324 and 506(2)of IPC. Since the petitioner suffered serious injuries and admitted in a hospital, the respondent police have not registered proper offence and not conducted investigation and further, colluding with the accused persons, they are not properly investigating the case. Hence this petition has been filed.

3.The learned Government Advocate (Crl.Side) submitted that it is a case of case in counter. Based on a complaint lodged by one Abitha, a case has been registered against the petitioner in Crime No.42 of 2022, for the



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offences under Section 294(b) of IPC and Section 3(1)(r), 3(1)(s) and 3(1)(w)

(ii) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities)

Amendment Act, 2015. Both the cases are under investigation. It is alleged that the petitioner having illicit relationship with the first accused person's wife. Hence the problem started between them. Thereafter, both parties gave complaint against each other.

4.I have considered the matter in the light of the submissions made by both the parties.

5.On a perusal of records, it reveals that on 18.04.2022, the accused persons assaulted the petitioner with stick and other weapons and caused grievous injury. Further, on a perusal of the discharge summary, it is seen that the petitioner stated that he was assaulted by ten unknown persons on 18.04.2022 around 12.00 pm, at Sholavanthan Bus Stand and admitted at 03.15 pm with the complaints on pain over the neck and inability to use the upper and lower limb. There is no injury in head, chest and abdomen. Now, the respondent police is investigating the case and based on the discharge summary, an FIR has been registered in Crime No.43 of 2022, for the offences



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under Sections 147, 294(b), 323, 324 and 506(2) of IPC. The alleged apprehension of the petitioner is not substantiated by any material evidence for changing the investigation. Since, the apprehension of the petitioner is only an assumption, this criminal original petition stands dismissed.

05.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
lr



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V.SIVAGNANAM, J.

lr

To

1. The Superintendent of Police,
Madruai, Madurai District
2. The Sub Inspector of Police,
Kadupatti Police Station,
Madruai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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